

and/or strengths of adhesive for the different sides of the backing would have been obvious so as to better adhere to the intended surfaces and that the backing is applicable to carpets, rugs, or carpet tiles. The Examiner also states that the thickness of the backing is an obvious variant depending on the application surface, the carpet to be used, etc. Applicant respectfully disagrees.

✓ Wyman discloses a rug underlay which includes a water impervious woven web of flat monofilament yarn with adhesives coated thereon. Wyman does not disclose, suggest, or render obvious Applicant's method for applying a carpet to a subfloor. The method disclosed in Wyman does not disclose the steps of providing a dimensionally stable sheet, placing the sheet on an existing subfloor, and then placing a carpet on the sheet as recited by the Applicant. The Examiner believes these steps are an obvious choice of sequence of steps. Applicant strenuously disagrees with the Examiner's conclusion. As explained in the Applicant's specification, for example, at page 6, lines 18-20, by placing Applicant's sheet on the existing subfloor, the existing subfloor becomes dimensionally stable and is impervious to movement which takes place on the carpet that is placed on top of the sheet. The underlay disclosed in Wyman, however, is not placed on the existing subfloor. Rather, the underlay is placed on a rug to be laid down on an existing carpet. This rug may be easily removed as needed. This method does not provide for the dimensional stability produced by Applicant's method. Therefore, the sequence of Applicant's steps are critical and are not merely an obvious design choice.

Applicant also disagrees with the Examiner's statement that the thickness of the backing is an obvious variant depending on the application surface. Again, as Applicant states in the specification, for example at page 6, and lines 5-10, the particular thickness of the backing is

important in functioning as a dimensional stabilizer. It is not an obvious variant as suggested by the Examiner.

The Examiner has responded to Applicant's arguments by stating that Applicant stresses that Wyman is for use with an existing carpet and not an existing subfloor and that Applicant himself defines subfloor as an existing carpet. Applicant believes that the Examiner has not completely understood Applicant's arguments. Applicant does not stress that Wyman is for use with an existing carpet and not an existing subfloor, rather, Applicant's argument is that the underlay disclosed in Wyman is placed on a rug, the rug is then laid down on an existing carpet. (See page 2, lines 14-18 of Applicant's Request for Reconsideration filed on September 18, 2000.) The method disclosed in Wyman differs from Applicant's method in that Applicant recites the steps of providing a dimensionally stable sheet, placing the sheet on an existing subfloor, and then placing a carpet on the sheet. That is, Wyman is placing his underlay on a rug which is then placed on an existing carpet (or subfloor). This differs from Applicant's invention as discussed above. In fact, Applicant agrees with the Examiner's definition of a subfloor and does not believe that he is applying any other definition.

The Examiner also rejects Claims 1-8 and 10 under 35 U.S.C. §103(a) as being unpatentable over Wyman in view of the SIGA brochure. The Examiner states that while Wyman primarily teaches applying a rug to a carpet, using a backing having a release sheet to mount a carpet to a floor is well known as evidenced by the SIGA brochure. The Examiner states that based on the teaching in the SIGA brochure, it would have been obvious to modify Wyman whereby the backing in Wyman is used to attach a carpet to a floor surface. Applicant again respectfully disagrees.

As discussed above, Wyman does not disclose Applicant's method. The SIGA brochure adds little, if anything to the teaching of Wyman. That is, the SIGA brochure discloses a method for installing carpet. While the brochure may teach the use of a backing with a release sheet where the backing is mounted to a floor, there would be no reason to combine this teaching with the teaching of Wyman. That is, Wyman discloses a method for mounting an underlay to a rug where the underlay is placed on the rug to be laid. The SIGA method, however, discloses placing a backing on a floor surface to be carpeted. There simply is no reason to modify Wyman which teaches a method for securing an underlay to a rug which may be repositioned or relocated as desired with the teaching of the SIGA brochure which discloses a method for installing carpet on a floor surface which is more of a permanent procedure. In fact, to modify the teaching of Wyman as suggested by the Examiner would destroy the reference in that Wyman is directed toward a rug which is laid on top of a carpet and can be easily repositioned or replaced. Using the method disclosed in the SIGA brochure in Wyman, would not allow the functions of Wyman discussed above. Therefore, Applicant's invention as recited is not rendered obvious by these references.

The Examiner has rejected Claim 8 under 35 U.S.C. §103(a) as being unpatentable over Wyman in view of the Shaw Bulletin No. 82. The Examiner states that Shaw indicates that a backing sheet may be attached to existing carpets as well as new or existing concrete slabs. The Examiner further states that while it is considered that such is obvious, Shaw provides further evidence of such and applying the backing of Wyman to a concrete surface would have been obvious in view thereof. Applicant respectfully disagrees.

Wyman does not disclose or render obvious Applicant's claimed method as discussed above. The Shaw bulletin adds little, if anything, to the teaching of Wyman. The Shaw bulletin discloses a method for installing carpet which includes unrolling a roll of mesh onto a floor, removing the liner from the mesh, and then placing a carpet on the mesh. There would be no reason to combine the teaching of the Shaw bulletin with Wyman. As discussed above with regard to the SIGA brochure, the Shaw bulletin also discloses a method for installing carpet. To combine this teaching with Wyman which teaches securing an underlay to a rug where the rug may be repositioned or relocated would not be obvious. Also, it would defeat the ability of the underlay disclosed in Wyman to be repositioned or relocated.

The Examiner has rejected Claim 9 under 35 U.S.C. §103(a) as being unpatentable over Wyman, either alone or in view of the SIGA brochure, and further in view of Murphy et al '910. The Examiner states that Murphy et al. disclose a backing sheet comprising various non-woven polymers, which indicates that a woven backing is not the only means by which the backing can be constructed. According to the Examiner, it would have been obvious to modify Wyman to have such a backing as an obvious matter of choice of design. Applicant respectfully disagrees.

Wyman does not disclose or render Applicant's claimed method obvious for the reasons discussed above. The Murphy et al. reference does not add anything to the teaching of Wyman. That is, assuming that Murphy et al. has been properly combined with Wyman, Applicant's invention would not result. Again, Wyman discloses a method for mounting an underlay to a rug where the underlay is placed on the rug to be laid. Murphy et al. disclose a rug underlay comprising a fibrous non-woven substrate with a repellent finish which makes the

substrate impervious to liquids. Combining these two references would not result in Applicant's method of applying a carpet to a subfloor. Furthermore, neither of these references discloses Applicant's claimed backing made from a spun-bonded, non-woven fabric with a thickness of approximately 8 mils. Neither is such a fabric an obvious design choice. As discussed above, the particular fabric and thickness of the backing is important to Applicant's invention in providing a dimensionally stable sheet.

The Examiner responds to Applicant's arguments by stating that Murphy et al. is analogous art. Applicant assumes that the Examiner is stating such in order to draw the conclusion that, therefore, Murphy et al. has been properly combined with Wyman. While Applicant does not agree or disagree with this conclusion, his argument is merely that even by combining the two references, Applicant's method, as claimed, will not result as discussed above and in the Request for Reconsideration filed on September 18, 2000.

Claims 1-4 and 6-8 have been rejected under 35 U.S.C. §102(b) as being anticipated by Shaw Bulletin No. 82. The Examiner states that Shaw discloses a backing system which uses pressure sensitive adhesive which has been applied to the backing which adheres to the subfloor and the carpet. The Examiner goes on to state that the top surface of the backing has a plastic release liner and that the backing may be used over existing carpets or concrete. Furthermore, the Examiner states the backing system may be used with sheet carpet and carpet tiles and that the method disclosed in the reference includes the steps recited in Applicant's Claim 1. Applicant respectfully disagrees.

As stated above, the Shaw bulletin discloses a method for installing carpet which includes unrolling a roll of mesh onto a floor, removing the liner from the mesh, and then placing

a carpet on the mesh. This method lacks Applicant's recited step of providing a dimensionally stable screen. That is, the mesh disclosed in this reference is not a dimensionally stable screen. Therefore, Applicant's method is not taught by the Shaw reference.

Claims 5 and 10 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Shaw Bulletin No. 82 in view of Wyman. The Examiner states that the backing of Shaw is comprised of a material which provides a pressure sensitive adhesive on both sides thereof but that it is not clear if the adhesive properties are the result of coating each side separately. The Examiner states, however, that Wyman does disclose providing two separate layers of adhesive to the backing and that while they are of the same strength, modifying one of the adhesives to be of lesser strength would have been obvious since different holding powers are required due to the different surfaces to which the backing is to be attached. The Examiner concludes, therefore, that in view of this teaching, it would have been obvious to modify Shaw to have two separate layers of adhesive of different strengths. The Examiner also states that Wyman discloses plastic material for his backing and that while the material from which the Shaw backing is constructed is not disclosed, using plastic as taught by Wyman would have been obvious due to the advantages plastic has in such a use. The Examiner also states that the thickness would have been a design choice obvious to one of ordinary skill in the art as a result of routine experimentation. Applicant respectfully disagrees.

Neither of the references relied upon by the Examiner teaches or suggests Applicant's invention as discussed above. Those comments are applicable here and will not be repeated. Applicant disagrees with the Examiner's comments that modifying the adhesives disclosed in Wyman to include two different adhesives in the invention disclosed in the Shaw

reference is an obvious variation. There is nothing in Wyman that teaches or suggests using two different types of adhesive on its backing. To then further modify the Shaw reference to include such a modified feature of Wyman as the Examiner does is improper. Again, for all of the reasons stated above, to combine the teachings of the references relied upon the Examiner would not result in Applicant's invention.

Also, even if it would be obvious to modify the Shaw reference to include the use of plastic, the Shaw reference still does not provide Applicant's recited step of providing a dimensionally stable screen. Therefore, Applicant's claimed invention is not rendered obvious by the references relied upon by the Examiner.

Claim 9 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Shaw Bulletin No. 82 in view of Murphy et al. as applied above Applicant disagrees for the reasons discussed above.

In view of all of the foregoing, it is believed that this application is now in condition for allowance and an early action toward that end is most respectfully solicited.

Respectfully submitted,

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